



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes Wednesday, September 17, 2014 at 7pm

Board Members:

Kristi St. Laurent, Chairman – Present
Alan Carpenter, Vice Chair – Excused
Paul Gosselin, Member – Present
Pam Skinner, Member – Present
Margaret Crisler, Member – Present
Vanessa Nysten, Member – Present

Bruce Breton, Selectman – Excused
Joel Desilets, Selectman Alternate – Present
Steve Bookless, Alternate – Excused
Jim Fricchione, Alternate – Excused
David Oliver, Alternate – Present
Kathleen DiFruscia, Alternate – Excused

Staff:

Laura Scott, Community Development Director
Laura Accaputo, Planning Board Minute Taker

Chair St. Laurent called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

Ms. Crisler read Case #2014-29 into the record

Public Hearing: Case #2014-29 Minor Site Plan/ Change of Use Application

A minor Site Plan/Change of Use Application has been submitted for 47 Rockingham Road (13-D-90) located in the Business Commercial A and Wetland and Watershed Protection District zones. The applicant, Belinda Sinclair, owner of Woof Woof Doggie Day Care, on behalf of 47 Rte 28 Realty Trust, is proposing to change the use of property to a dog day care and commercial kennel facility. The use of the site will include doggie daycare, overnight boarding, training, and limited grooming and retail sales for existing daycare and boarding clients. The external site improvements proposed include fencing, an outside play area and a freestanding sign. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan and the application will be heard as a Preliminary Major Site Plan Application.

Ms. Scott informed the Board the application was complete and there were no outstanding concerns.

**Ms. Crisler motioned to open the application as a Minor Site Plan, seconded by Ms. Skinner.
Motion passed: 6-0.**

Mr. Oliver arrived at 7:15 and the Chair sat him for Mr. Carpenter.

- Ms. Scott stated the applicant received a variance from the ZBA on 8/12/14 and there were no concerns from TRC or Conservation. She noted her only recommendation is that the applicant amends the DOT driveway permit as a condition of approval.
- Belinda Sinclair and Ralph Sinclair, owners, addressed the Board. Ms. Sinclair explained the changes to the property will be minimal and in spirit with the kennel ordinance. They are asking

for an illuminated sign as it is difficult to see the entrance to the property and to stay consistent with other neighboring businesses.

Questions/Comments from the Board

- Ms. Crisler asked how many dogs they have at their current location and Ms. Sinclair answered 40 and stated the increase includes the dogs they will be boarding as well as those in extended day care. She explained the dogs staying extended hours will be picked up by 9pm by appointment only and the dogs that are boarding will have 24 hour staff care and all boarding will be indoors.
- Ms. Crisler asked the location for the outdoor play area and if the dogs would be segregated by size in the play area and Ms. Sinclair replied the play area is in the back of the property and the dogs will be segregated by a movable fence.
- Ms. Skinner asked about grooming and Ms. Sinclair stated it will just be bath and brush out provided for dogs that are boarding for more than 1 day.
- Ms. Skinner asked about waste removal and Ms. Sinclair explained they clean up after the dogs immediately and double bag the waste, it is then placed in a bin which gets emptied into the dumpster at least twice a day. The dumpster is removed once a week. She also noted the dumpster will now be a greater distance away from the brook.
- Ms. Nysten asked if there were any concerns for the WWPD and Ms. Scott stated the ZBA found no issues.

The Chair opened the hearing to the public at 7:30pm.

- Dan Gutman, 20 Heritage Hill Road, stated he is a customer and believes this is the type of business the Town should support and he is in favor of the application.

The Chair closed the public portion at 7:31pm.

Ms. Crisler motioned to approve the application and sign as presented for Case #2014-29 with the condition they receive a New Hampshire DOT driveway permit before final approval, seconded by Mr. Gosselin. Motion passed: 7-0.

Ms. Nysten asked if they should include the hours of operation and Ms. Scott stated the hours are part of the application and they are bound to them.

Quarry Brook Outdoor Learning Center/El Hefni Education Foundation (Case #2012-29)

1. Administrative Changes to Approved Site Plan
2. Financial Guarantee Release

Ms. Scott explained the Administrative Review is due to some minor changes to the approved Site Plan as outlined in her memo to the Board dated 9/4/14.

- Mr. Joseph Leone addressed the Board. He stated all of the incomplete items listed in Ms. Scott's memo have been done and the changes being requested are to make the building more secure and energy efficient while making the job of education better. The following is an explanation of each change.
 - Lighting: Mr. Leone explained the lighting around the entry door was changed to a lantern type fixture. He stated the original plan specified six fixtures, one per door, at 600 lumens each and the replacement fixtures are two per door, at 400 lumens each and are down facing. He also stated the original front entry fixture was a single downlight of 1100 lumens and was replaced with two sets of LED floods for a total of 1200 lumens.

- Generator, Dumpster, Cistern, and Retaining Wall: Mr. Leone explained they were required to install a much larger generator than anticipated due to fire regulations and local power company reliability. He stated with the consent of the Board they would like to move the generator and pad to a location to the west side of the gravel drive, adjacent to the propane tanks that serve as its fuel source and enclose all three pieces of equipment with a six foot high privacy fence. Ms. Scott noted the Design Review Committee requested the fence be green with shrubbery on both sides. Mr. Leone explained they did not install the concrete dumpster pad with fence as they are not planning on using a dumpster. He stated the facility will generate so little trash they will have it picked up by a contractor and the bins will remain in the garage until pickup day. He also stated the 33,000 gallon fire cistern originally located in the front was changed to a 15,000 gallon tank located in the rear under the back lawn. He explained this change was required because fire regulations specify the bottom of the tank must be two feet above the inlet to the pump and this would not have been possible in the front. He also stated the retaining wall was changed from manufactured block to native fieldstones recovered from areas on the site and a railing is not required since it is located in an area that is difficult for foot travel to access.
- West Elevation: Mr. Leone explained the west elevation shows an overhead garage door with 4 lites of glass and no walk-in door; the glass was changed to reflect the grill pattern on the windows and walk-in door and the walk-in door was added to provide access to the west side of the building without requiring the large overhead door to be opened, addressing both security concerns and energy consumption considerations.
- Landscaping: Mr. Leone explained the landscaping around and adjacent to the generator would not fit due to the large footprint of the generator and if the Board allows the generator to be relocated they will add plantings to fill the space vacated by it. He also stated the river stone and plantings in the area surrounded by the ADA sidewalk were eliminated to provide space for the solar fountain and were placed elsewhere on the lot.

Ms. Crisler motioned to approve the changes to the approved site plan, as presented tonight, with the fence around the generator to be added to the plan, seconded by Mr. Desilets. Motion passed: 7-0.

Ms. Crisler motioned to recommend to the Board of Selectmen to release the financial guarantee of \$2000, plus any accrued interest, to the El Hefni Educational Foundation, seconded by Mr. Gosselin. Motion passed: 6-0-1 with Mr. Desilets abstaining.

2015 Town Meeting Workshop

- Open Space/Landscaping (Section 705)

Ms. Scott explained the Board wanted to work on this last year but ran out of time. She provided a copy of the proposed changes to the Section. Ms. Nysten noted the entire Section wasn't provided since 705.2 was missing and also stated her concern that the proposed changes would allow roofs and parking lots that recharge water to be included in Open Space calculations. The Board agreed that the first two bullets as amended in Section 705.1 were good provided the word "residential" be replaced with "residentially used" in the first bullet; the third bullet should be removed. They recommended Ms. Scott work with Attorney Campbell to amend Section 705.1.1 and provided the following as a possibility: Open Space: A minimum of 30% of any total lot area shall be maintained as open space which doesn't include buildings, structures, paved or gravel surfaces. They also noted the definition of impervious areas in Section 616.4 should be looked at. Ms. Scott noted this is the definition in the Watershed Ordinance and if you change it you change what is allowed in the Watershed District. The Board directed Ms. Scott to work on this Section with Attorney Campbell and bring it back for another workshop and to look at the definition of impervious areas for the DOT and DES and see where else it is located in the towns Subdivision and Site Plan Regulations.

- Excavation (Section 707)

Ms. Scott explained upon reviewing the Planning Boards adopted Excavation Regulations she is proposing the Board consider the following amendments to Section 707 Excavation of Earth Materials: add RSA 155-E:2-a to the first sentence and add the following sentence “Excavation of earth materials requiring an Excavation Permit is allowed in the Business Commercial District A, Limited Industrial, Gateway Commercial District, and Professional, Business and Technology District.” The Board agreed only to add RSA 155-E:2-a and move it to Public Hearing.

Mr. Gosselin motioned to move Section 707 to Public Hearing, seconded by Mr. Desilets. Motion passed: 7-0.

- Religious Uses

Ms. Scott explained due to a lawsuit it was suggested the Town work on amending their Zoning Ordinance relative to religious uses. She provided the Board with proposed changes that she worked on with Attorney Campbell. The Chair asked for clarification of a deleted Section 618.2.5 and Ms. Scott explained it will remove civic and public facilities out of the Gateway Commercial District. Ms. Nysten asked if there were any ramifications with taking this language out and Ms. Scott stated it will keep the town more in line with Federal Law and clarified it will regulate the uses not ownership. Ms. Nysten asked for the reasoning behind excluding offices from the Historic District and Ms. Scott stated she would ask Attorney Campbell why he removed it. Ms. Nysten also pointed out a proposed amendment to Section 607.1.4 was incorrect as there is no such section and Ms. Scott stated she would clarify which section was supposed to be listed. Mr. Desilets asked why Membership Clubs and Health and Fitness Clubs were included in this section and Ms. Scott stated they are creating a definition for allowed uses that are not defined anywhere else. Ms. Nysten asked where membership clubs are allowed in the ordinance and Ms. Scott stated she would check. Ms. Nysten also asked Ms. Scott to check with Attorney Campbell regarding the definition of Church to see if the last sentence should read ... “unless similar non-religious uses are allowed in the same “zoning district” instead of “zone” and if they should list the allowed uses the term “similar uses” is vague. The Board agreed the last sentence of the proposed amendments should be removed. Ms. Scott summarized the Boards requested changes and stated she would present them to Attorney Campbell and if he was in agreement she would bring it back for another workshop.

Ms. Crisler was excused at 9:15pm.

Minutes Review/Approve

- August 13, 2014
- August 20, 2014
- September 3, 2014

Mr. Gosselin motioned to approve the August 13, 2014 and September 3, 2014 minutes as written; and the August 20, 2014 minutes as amended, seconded by Mr. Desilets. Motion passed: 6-0.

Old/New Business (not to include discussion of pending applications or decisions on matters requiring public notice)

- Ms. Scott reminded the Board they will meet with Attorney Campbell at their October 1st meeting for a continuation of their annual non-public meeting with Legal Counsel and asked if they wanted to start the non-public session at 6:30pm so they could start the public meeting at 8:00pm. The Board agreed to meet with Legal Counsel from 6:30-8:00pm. Ms. Nysten asked Ms. Scott to include the question of Impact Fees for Charter Schools for their meeting with Attorney Campbell.
- Mr. Desilets invited the community to the 2nd annual Foodie Expo and Farmers Market on Saturday September 20, 2014 from 10am-2pm at the Searles School and Chapel on 3 Chapel Road.

These minutes are respectfully submitted by Laura Accaputo, Planning Board Minute Taker.

Mr. Gosselin motioned to adjourn the September 17, 2014 Planning Board Meeting at 9:30pm, seconded by Mr. Desilets. Motion passed: 6-0.